REMARKS

Claims 36-69 are pending, with claims 36, 48, 56, 64, 68, and 69 being independent. Claims 1-35 have been cancelled without waiver or prejudice by this and previous amendments. Claims 36-69 are added by this amendment. No new matter is being added.

Interview Summary

Applicant and Applicant's representatives wish to thank Examiner Gold for the assistance extended during the telephone interviews held on July 20, 2005 and August 11, 2005. In view of the discussion during the interviews, the foregoing amendments, and the following remarks, reconsideration and allowance of the claims are respectfully requested.

Rejections under 35 U.S.C. 102

Claims 1-5, 8, 10-15, 20, 21, 23, 24, 26-29, and 32-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by DeSimone et al. (U.S. Patent No. 6,212,548). Applicants have cancelled the rejected claims to render the rejection moot.

Rejections under 35 U.S.C. 103

Claims 6, 7, and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Doty, Jr. (U.S. Patent No. 6,795,863). Applicants have cancelled the rejected claims to render the rejection moot.

Claims 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Wan et al. (U.S. Patent No. 6,529,475). Applicants have cancelled the rejected claims to render the rejection moot.

Claims 22 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Lamb et al. (U.S. Patent No. 6,747,970). Applicants have cancelled the rejected claims to render the rejection moot.

Claims 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Fukasawa et al. (U.S. Patent No. 6,738,822). Applicants have cancelled the rejected claims to render the rejection moot.

New Claims

Applicants have added claims 36-69, with claims 36, 48, 56, 64, 68 and 69 being independent. No new matter is being added. Applicants request allowance of new claims 36-69 because the art of record and additional art discussed during the telephone interviews fails to describe or suggest all of the features of independent claims 36, 48, 56, 64, 68 and 69.

Claim 36 recites a communications method in which an instant messaging communications session between a sender and a recipient is established through an instant messaging host. During the instant messaging communications session between the sender and the recipient, a video instant message is generated on behalf of the sender. The video instant message is stored in a location that is transparent to the sender. The video instant message is provided to the instant messaging host from the transparent location. An indication that triggers sending of the video instant message to the recipient is provided to the instant messaging host after generation of the video instant message is completed.

Applicants respectfully request allowance of new claim 36 because the art of record (including the file transfer art discussed during the telephone interviews) fail to describe or suggest all of the features of claim 36. Specifically, the art of record fails to describe or suggest "providing, to the instant messaging host, an indication that triggers sending of the video instant message to the recipient after generation of the video instant message is completed," as recited in claim 36. Furthermore, the additional art fails to describe or suggest "storing the video instant message in a location that is transparent to the sender" "during the instant messaging communications session between the sender and the recipient," as recited in claim 36. Consequently, the additional art fails to describe or suggest "providing the video instant message to the instant messaging host from the transparent location" during the instant messaging communications session, as recited in claim 36.

DeSimone was cited as the primary reference in the rejections of the cancelled claims. Specifically, the Office Action asserted that DeSimone describes enabling a user to participate in "multiple simultaneous real-time chat sessions with a plurality of other participants using a single client residing on a personal computer, workstation, or terminal" (DeSimone, col. 1, lines 31-33). The multiple chat sessions may be operated in a client-server architecture (FIG. 2A), or in a peer-to-peer architecture (FIG. 2B). The user may participate in the multiple chat sessions through manipulation of one or more windows corresponding to the multiple chat sessions. Additionally, while enabling a user to participate in one of the multiple chat sessions, DiSimone was said to enable the user to exchange a single type of message (e.g., textual messages, audio messages, or video messages) with other users that also are participating in the chat session.

The Office Action acknowledges that "DeSimone fails to teach the limitation further including the receiving an indication from the user that triggers the sending of the video instant message after recording of the video instant message is completed by the sender" (Office Action, p. 11). In other words, DeSimone fails to teach providing, to the instant messaging host, an indication that triggers sending.

Fukasawa is similarly deficient. Fukasawa describes a relay apparatus that enables "information transmission between a server which serves information by its own communication format and a client which receives service on a general network" (Fukasawa, Abstract). The information is transmitted between the client and the server during a communications session that has been established between the client and the server by the relay apparatus. Specifically, the client submits a request to establish the session to the relay apparatus, and the relay apparatus establishes communications with each of the client and the server (Fukasawa, FIGS. 3 and 7, and col. 12, line 58 to col. 14, line 5). After the session has been established, the client may request the information from the server. In response, the relay apparatus obtains the requested information from the server and provides the requested information to the client (Fukasawa, FIGS. 5 and 9, and col. 14, line 56 to col. 15, line 53). The client may subsequently submit a request to terminate the session, and the relay apparatus may terminate the session in response (Fukasawa, FIGS. 4 and 8, and col. 14, lines 6-55).

Thus, after the session has been completed, no information is transferred in Fukasawa between the client and the server through the relay apparatus. Stated differently, Fukasawa fails to describe or suggest "providing, to the instant messaging host, an indication that triggers sending of the video instant message to the recipient after generation of the video instant message is completed," as recited in claim 36.

Thus, DeSimone and Fukasawa, either alone or in combination, do not describe "providing, to the instant messaging host, an indication that triggers sending of the video instant message to the recipient after generation of the video instant message is completed," as recited in claim 36. The combination of DeSimone and Fukasawa do not teach the nexus that is required between enabling participation in multiple simultaneous chat sessions and terminating a communications session in response to a request from a client participating in the communications session. Furthermore, the other art of record fails to remedy the deficiencies of DeSimone and Fukasawa.

Accordingly, Applicants respectfully request allowance of claim 36 and its dependent claims.

Similarly, claim 48, 56, 64, 68, and 69 recite a video instant message that is sent or received through the instant messaging host on behalf of the sender or the recipient during the instant messaging communications session between the sender and the recipient and after the instant messaging host receives an indication that generation of the video instant message is completed. The video instant message is stored, accessed, provided, and presented from a location that is transparent to the user. Accordingly, Applicants respectfully request allowance of new independent claims 48, 56, 64, 68, and 69, and their respective dependent claims, for at least the reasons discussed above with respect to claim 36.

Applicants submit that all pending claims are in condition for allowance.

Enclosed is a $790 check for the Request for Continued Examination (RCE) and a $120

check for the Petition for Extension of Time fee. Please apply any other charges or credits to

deposit account 06-1050.

Respectfully submitted,

Date: 8/29/05

W. Karl Renner
Reg. No. 41,265

PTO Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40297508.doc